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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re

No. C 07-05373 MMC

11 RICHARD L. HATFIELD,

Appeal from USBC (N.D. Cal.)
No. 07-30031 TEC 7

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14 Alleged Debtor.
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**RESPONSE BY APPELLANT
JENNIFER M. MOORE TO
ORDER TO SHOW CAUSE
RE DISMISSAL AND NOTICE
OF BANKRUPTCY STAY**

16 Appellant Jennifer M. Moore (Moore) responds to the Court's order of 15 May
17 2008 requiring Moore to show cause why this appeal should not be dismissed pursuant
18 to Rule 41(b), F. R. Civ. P., for failure to prosecute.

19 Pursuant to the order (attached as Exhibit A),¹ on 8 April 2008, a bankruptcy case
20 filed by appellee Richard L. Hatfield (Hatfield) was converted to a Bankruptcy Code
21 Chapter 7 liquidation case. This bankruptcy case is a *separate and subsequent*
22 bankruptcy case to the involuntary case against Hatfield which resulted in this pending
23 appeal.

24 The automatic stay effected pursuant to Bankruptcy Code, sec. 362 stays all action
25 in legal proceedings, including appeals, which were originally brought against Hatfield.
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28 ¹The Court is respectfully requested to judicially notice the order attached as Ex. A.

1 *Parker vs. Bain*, 68 F.3d 1131, 1135-36 (9th Cir. 1995); *Ingersoll Rand Financial Corp.*
2 *vs. Miller Mining Co.*, 817 F.2d 1424, 1426-27 (9th Cir. 1987).

3 As demonstrated by the first document in the appellate record, the captioned
4 appeal arises from an involuntary bankruptcy petition *brought against* Hatfield.
5 Consequently, Hatfield's subsequent voluntary Chapter 7 case has resulted in the staying
6 of all proceedings in this appeal pursuant to the automatic stay effected by his voluntary
7 bankruptcy petition.

8 The Court is respectfully requested to discharge its order to show cause and
9 observe the automatic stay of this appeal pending further order of the bankruptcy court.

10 Respectfully submitted,

11 JAMES H. SEYMOUR

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13 Dated: 29 May 2008

14 /s/ James H. Seymour
15 James H. Seymour
16 Counsel for Appellant Jennifer M. Moore
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EXHIBIT A TO
RESPONSE OF JENNIFER MOORE
TO ORDER TO SHOW CAUSE
AND NOTICE OF BANKRUPTCY STAY
IN CASE NO. C 07-5373 MMC

April 09, 2008

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Signed and Filed: April 08, 2008

A handwritten signature in blue ink, appearing to read "T. E. Carlson", is written over a horizontal line.

THOMAS E. CARLSON
U.S. Bankruptcy Judge

DONNA S. TAMANAHA, Assistant United States Trustee (WI#1013199)
EDWARD G. MYRTLE, Trial Attorney (DC#375913)
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Attorneys for Acting United States Trustee
SARA L. KISTLER

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re)	No. 08-30154 TEC
)	
)	Chapter 11
RICHARD L. HATFIELD,)	
)	
Debtor.)	
)	
)	
)	
)	

ORDER CONVERTING CASE TO CHAPTER 7

Debtor filed the above-captioned chapter 11 case on January 31, 2008. On February 8, 2008, the Court served on Debtor through counsel of record a chapter 11 status conference order, directing Debtor's principal bankruptcy counsel to appear at a chapter 11 status conference set for April 4, 2008, at 9:30 a.m. Appearances were noted on the record.

Upon due consideration, for the reasons stated on the record at the status conference, the Court hereby orders as follows:

IT IS HEREBY ORDERED this chapter 11 case is converted to chapter 7.

IT IS FURTHER ORDERED that the interim trustee selected by the appointment process instituted by the United States Trustee is Andrea Wirum who is to serve under the blanket bond that is in

ORDER CONVERTING CASE TO CHAPTER 7

- 1 -

place in this district.

Approved as to form:

Dated: 04/04/08

/s/
Joel K. Belway, Attorney for Debtor

Dated: 04/04/08

/s/
Robert F. Kidd, Proposed Counsel for Committee

Dated: 04/04/08

/s/
James H. Seymour, Counsel for Creditor Moore

Dated: 04/04/08

/s/
Elizabeth Berke-Dreyfuss, Counsel for Creditors Spees and Rnjak

Dated: 04/08/08

/s/
Michael St. James, Counsel for Creditors Sheldon

**** END OF ORDER ****

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Chapter 7 Trustee

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Edward G. Myrtle

ORDER CONVERTING CASE TO CHAPTER 7

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